

**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ALBERT TERRY SHEPLEY JR.
1000 Quail Street, Suite 260
Newport Beach, CA 92660**

**Licensed Marriage and Family Therapist
License No. LMFT 87943**

Respondent.

Case No. 2002022001066

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 13, 2022.

It is so ORDERED September 13, 2022.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS



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Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF BEHAVIORAL SCIENCES**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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13 In the Matter of the Accusation Against:

Case No. 2002022001066

14 **ALBERT TERRY SHEPLEY JR.**
1000 Quail Street, Suite 260
15 Newport Beach, CA 92660

16 **Licensed Marriage and Family Therapist**
License No. LMFT 87943

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Steve Sodergren (Complainant) is the Executive Officer of the Board of Behavioral
24 Sciences (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Dionne Mochon, Deputy
26 Attorney General.

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2. Albert Terry Shepley Jr (Respondent) is represented in this proceeding by attorney Gary Wittenberg, Esq., whose address is: 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067.

3. On or about July 23, 2015, the Board issued Licensed Marriage and Family Therapist License No. LMFT 87943 to Respondent. The Licensed Marriage and Family Therapist license was in full force and effect at all times relevant to the charges brought in Accusation No. 2002022001066 and will expire on March 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 2002022001066 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 4, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2002022001066 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2002022001066. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent understands that the charges and allegations in Accusation No.
3 2002022001066, if proven at a hearing, constitute cause for imposing discipline upon his
4 Licensed Marriage and Family Therapist License.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up his right to contest that cause for discipline exists based on those
9 charges.

10 10. Respondent understands that by signing this stipulation he enables the Board to issue
11 an order accepting the surrender of his Licensed Marriage and Family Therapist License without
12 further process.

13 **RESERVATION**

14 11. The admissions made by Respondent herein are only for the purposes of this
15 proceeding, or any other proceedings in which the Board of Behavioral Sciences or other
16 professional licensing agency is involved, and shall not be admissible in any other criminal or
17 civil proceeding.

18 **CONTINGENCY**

19 12. This stipulation shall be subject to approval by the Board. Respondent understands
20 and agrees that counsel for Complainant and the staff of the Board may communicate directly
21 with the Board regarding this stipulation and surrender, without notice to or participation by
22 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
23 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
24 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
25 the Stipulated Surrender of License and Order shall be of no force or effect, except for this
26 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
27 be disqualified from further action by having considered this matter.

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13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Licensed Marriage and Family Therapist License No. LMFT 87943, issued to Respondent Albert Terry Shepley Jr, is surrendered and accepted by the Board.

1. The surrender of Respondent's Licensed Marriage and Family Therapist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Licensed Marriage and Family Therapist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his wall license and current renewal certificate on or before the effective date of the Decision and Order.

4. Respondent further agrees that with the adoption by the Board of his license surrender, Respondent may not petition the Board for reinstatement of the surrendered license.

5. Respondent may reapply to the Board for licensure three years from the effective date of surrender and must meet all current requirements for licensure including, but not limited, to

1 filing a current application, meeting all current educational and experience requirements, and
2 taking and passing any and all examinations required of new applicants.

3 6. Respondent shall pay the Board its costs of investigation and enforcement in the
4 amount of \$4,421.00 prior to the issuance of a new registration or license.

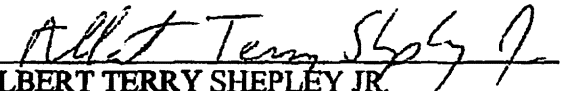
5 7. If Respondent should ever reapply for licensure as a Licensed Marriage and Family
6 Therapist or should he ever apply for any other registration or license issued by the Board, or by
7 the Board of Psychology, all of the charges contained in Accusation No. 2002022001066 shall be
8 deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny
9 such application or reapplication.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Surrender of License and Order and have fully
12 discussed it with my attorney Gary Wittenberg. I understand the stipulation and the effect it will
13 have on my Licensed Marriage and Family Therapist license. I enter into this Stipulated
14 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
15 by the Decision and Order of the Board of Behavioral Sciences.

16
17 DATED:

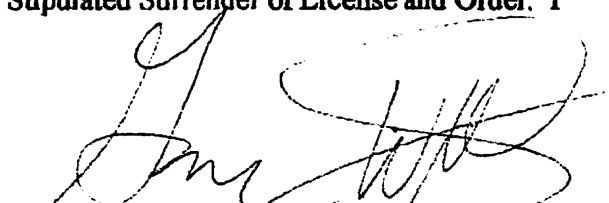
8/10/2022


ALBERT TERRY SHEPLEY JR.
Respondent

19 I have read and fully discussed with Respondent Albert Terry Shepley Jr. the terms and
20 conditions and other matters contained in this Stipulated Surrender of License and Order. I
21 approve its form and content.

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23 DATED:

8/12/22


GARY WITTENBERG, ESQ.
Attorney for Respondent

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DATED: August 16, 2022

ROB BONTA
Attorney General of California
MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General

DOJ Matter ID: SD2022800632
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Exhibit A

Accusation No. 2002022001066

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Attorneys for Complainant

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11 **BOARD OF BEHAVIORAL SCIENCES**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2002022001065

15 **ALBERT TERRY SHEPLEY JR**
1000 Quail Street, Suite 240
16 Newport Beach, CA 92660

ACCUSATION

17 **Licensed Marriage and Family Therapist**
License No. LMFT 87943

18 Respondent.
19

20
21 **PARTIES**
22

23 1. Steve Sodergren (Complainant) brings this Accusation solely in his official capacity
24 as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

25 2. On or about July 23, 2015, the Board of Behavioral Sciences issued Licensed
26 Marriage and Family Therapist License Number LMFT 87943 to Albert Terry Shepley Jr
27 (Respondent). The Licensed Marriage and Family Therapist license was in full force and effect at
28

1 all times relevant to the charges brought herein and will expire on March 31, 2023, unless
2 renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 4982 states in pertinent part:

7 The board may deny a license or registration or may suspend or revoke the
8 license or registration of a licensee or registrant if he or she has been guilty of
9 unprofessional conduct. Unprofessional conduct includes, but is not limited to, the
10 following:

11 ...

12 (c) Administering to themselves any controlled substance or using of any of the
13 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent,
14 or in a manner, as to be dangerous or injurious to the person applying for a
15 registration or license or holding a registration or license under this chapter, or to any
16 other person, or to the public, or, to the extent that the use impairs the ability of the
17 person applying for or holding a registration or license to conduct with safety to the
18 public the practice authorized by the registration or license. The board shall deny an
19 application for a registration or license or revoke the license or registration of any
20 person, other than one who is licensed as a physician and surgeon, who uses or offers
21 to use drugs in the course of performing marriage and family therapy services.

22 (d) Gross negligence or incompetence in the performance of marriage and
23 family therapy.

24 ...

25 (i) Intentionally or recklessly causing physical or emotional harm to any client.

26 (j) The commission of any dishonest, corrupt, or fraudulent act substantially
27 related to the qualifications, functions, or duties of a licensee or registrant.

28 ...

5. Section 4990.33 states:

Notwithstanding any other law, except as provided in Section 4990.32, the
expiration, cancellation, forfeiture, or suspension of a license, registration, or other
authority to practice by operation of law or by order or decision of the board or a
court of law, the placement of a license on a retired status, or the voluntary surrender
of a license or registration by a licensee or registrant, of any license or registration
within the authority of the board, shall not deprive the board of jurisdiction to
commence or proceed with any investigation of, or action or disciplinary proceeding
against, the licensee or registrant or to render a decision suspending or revoking the
license or registration.

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1 **COSTS**

2 6. Section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUG DEFINITIONS**

7 7. **3,4 Methylene-dioxyamphetamine:** Is a Schedule I controlled substance pursuant to
8 Health and Safety Code section 11054, subdivision (d) and is commonly referred to as the party
9 drug "Ecstasy."

10 **FACTS**

11 8. Respondent began treating P.F.¹ (a 19 year-old client) in the summer of 2021 for
12 anxiety and recovery from an unhealthy relationship. During one session in August 2021,
13 Respondent held the session in a park and offered P.F. alcohol. P.F. declined while Respondent
14 consumed alcohol during the therapy session. During a session in November 2021, Respondent
15 gave P.F. a blue pill stating that it would "help her relax and help with communication." P.F.
16 observed that Respondent swallowed a similar pill. P.F. then swallowed the pill given to her.
17 Respondent at first did not tell P.F. what the pill was, but after P.F. reported that she felt "strange,
18 uncomfortable, scared, hot, and sleepy" as well as "flushed, having chills", and having
19 "difficulties speaking", P.F. said Respondent told her "not to worry, it was just a little Ecstasy"
20 and that he "uses it often with clients." P.F. told Respondent that she is an athlete and does not
21 use alcohol or drugs. P.F. reported that she lost track of time and had trouble focusing and
22 subsequently became frightened. Respondent then offered P.F. a massage. P.F. declined and left
23 (with difficulty walking and having to go back to get car keys she forgot) and drove nearby to an
24 adjacent parking lot where her parents picked her up and drove her home. P.F. subsequently was
25 tested for drugs four days later and lab results confirmed that she had a high MDMA reading
26 confirming the presence of ecstasy.

27
28 ¹ The patient's full name is withheld to protect her privacy.

9. Subsequently, on November 1, 2021, the Board received a complaint from Respondent which reads “I am an MFT, 87943, and I am surrendering, my license effective immediately.” Respondent also stated “I provided my female client an exstacy (sic) pill tonight and took one myself. The client’s name was P.F., age 19. There was no sexual content or intent.”

10. In a subsequent text to patient P.F.'s mom, S.F., Respondent wrote, "I am so sorry, reckless and indefensible. I am going to back out of providing therapy ASAP and take a close look at my actions through personal therapy. I most likely will not provide therapy again."

11. Subsequently, patient P.F. was seen by her physician. The physician told S.F. that P.F. "was very traumatized from Dr. Shepley's actions." According to S.F., while P.F.'s physician feels it's important for her to continue in therapy, P.F. refuses to do so after her traumatic experience with Respondent.

FIRST CAUSE FOR DISCIPLINE

**(Unprofessional Conduct –Used and Offered Drugs and/or Alcohol to Client in the Course
of Performing Marriage and Family Therapy Services)**

12. Respondent is subject to disciplinary action under section 4982, subdivision (c), in that he engaged in unprofessional conduct by using and offering drugs and/or alcohol to patient P.F. in the course of performing marriage and family therapy services as set forth in paragraphs 8 through 11 which are incorporated herein.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Gross Negligence/Incompetence)

13. Respondent is subject to disciplinary action under section 4982, subdivision (d), in that she engaged in unprofessional conduct by engaging in gross negligence and/or incompetence, as set forth in paragraphs 8 through 11 (which are incorporated herein) in the following respects:

- a. Respondent offered P.F. alcohol during a therapy session.
- b. Respondent consumed alcohol during a therapy session.
- c. Respondent offered P.F. ecstasy during a therapy session and consumed ecstasy during the therapy session.

1 d. Respondent was not upfront with P.F. about what the ecstasy pill was, using his
2 power in the therapeutic relationship to exert undue influence on P.F.

3 e. P.F. experienced physical impairment (difficulties speaking and walking) due to the
4 effects of the ecstasy given to her and she continued to experience trauma following these events.
5 Moreover, P.F. is unable to seek further needed therapy due to the fear, anger and betrayal from
6 Respondent's actions.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Intentionally or Recklessly**

9 **Causing Physical or Emotional Harm to any Client)**

10 14. Respondent is subject to disciplinary action under section 4982, subdivision (i), in
11 that he engaged in unprofessional conduct by intentionally or recklessly causing physical or
12 emotional harm to a client, as set forth in detail in paragraphs 8 through 11 which are
13 incorporated herein.

14 **PRAAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Behavioral Sciences issue a decision:

17 1. Revoking or suspending Licensed Marriage and Family Therapist License Number
18 LMFT 87943, issued to Albert Terry Shepley Jr;

19 2. Ordering Albert Terry Shepley Jr to pay the Board of Behavioral Sciences the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3; and,

22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: May 4, 2022

Steve Sodergren

STEVE SODERGREN

Executive Officer

Board of Behavioral Sciences

Department of Consumer Affairs

State of California

Complainant

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